
REMARKS – General

The applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patently over the prior art.

The Rejection Of Claims 1-5 Under Section 112

The office action rejected independent claim 1 and dependent claims 2-5 under 35 U.S.C. Section 112 as being indefinite since the independent claim (claim 1) and two of the dependent claims (claim 3 and 4) contain phrases lacking antecedent basis.

The O.A. rejected claim 1 because the phrase “the drawings, images, or text” lacks antecedent basis. Claim 1 has been re-written as new claim 13, to provide suitable antecedent basis for all parts of the invention referenced therein and in the dependent claims that reference claim 13.

The O.A. rejected claim 3 because the phrase “the inner surface” lacked antecedent basis. Claim 3 has been rewritten as new claim 15 and dependent claim 16 to employ terminology that is consistent with claim 1.

The O.A. rejected claim 4 because the phrase “the inner surface of the planar surface” lacks antecedent basis. Claim 4 has been rewritten as new claim 15 and dependent claim 17, to employ terminology that is consistent with claim 1.

The applicant has also rewritten claim 2 as new claim 14 and has rewritten claim 5 as new claim 18 to utilize terminology that is clear and consistent with the wording of the related new claims.

Accordingly the applicant requests reconsideration of this rejection, as now applicable to claims 13 –18 on the basis that new claims definitively and distinctly claim the subject matter of the invention thereby complying with Section 112.

The Rejection Of Claims 1, 3, and 4 On Dubbels Is Overcome

The last O.A. rejected independent claim 1 and dependent claims 3 and 4 on Dubbels. Claims 1, 3 and 4 have been rewritten as new claims 13, 15, 16 and 17 to define patentability over this reference. The applicant requests reconsideration of this rejection as now applicable to claims 13, 15, 16 and 17, for the following reasons:

- (1) The physical features of claims 13, 15, 16 and 17 differ substantively from that described by Dubbels.
- (2) These novel physical features of claims 13, 15, 16 and 17 produce unsuggested results and are hence unobvious and patentable over this reference.

Summary of the Reference

Dubbels, U.S Patent 3,494,322, shows a pill dispensing means comprising a calendar with plastic push-out bubbles containing pills. The bubbles taught by Dubbels are formed with an aluminum foil strip as the flat rear wall of the bubble mounted over a hole in the support card of the calendar. Moreover each bubble contains a pill. When one of these bubbles is pressed upon, the pill is forced against the rear wall causing the aluminum foil strip to tear with the result that the pill is pushed out of the bubble through the aluminum foil strip.

Patentable Merit of Claim 1 Over The Reference

In the current invention, claim 1 now rewritten as new claim 13 recites that the cellular bubble material contains bubbles that are burstable. They are formed of pliable thin gas impermeable material such as plastic sheeting and contain gas but do not contain any objects such as a pill. When a bubble possessing this structure is squeezed the gas within

the bubble is compressed with the result that the thin gas impermeable material of the bubble will rupture abruptly with an audible pop. This arrangement is not only different to that of Dubbels but achieves a substantially different result.

The structure described by Dubbels is an enclosure for pills. The presence of the pill within each bubble is an essential feature of the invention that precludes and obstructs the function of Dubbels bubbles as a popping element. The pill enclosure is formed so as to release the pill in a non-explosive manner.

The burstable bubble structure specified in the applicant's invention, being affixed to folded substantially planar stock as an integral element of drawings, images or text, thereby forms a novel greeting card assembly possessing an overall structure that differs materially from the pill dispenser described by Dubbels. Moreover the results achieved by the applicant's invention include: a popping effect that is integral to the conveyance of the message by the card, reinforcement of the sentiment conveyed by the card, and protection of the card. These results are not suggested by Dubbels.

The language of new claim 13 distinguishes over Dubbels under section 102 because Dubbels does not show bubbles that are burstable as an integral element of drawings, images or text. This distinction is submitted to be of patentable merit under section 103 because the result is new and substantially different to that which can be achieved by the structure described by Dubbels.

Therefore the applicant submits that claim 13 is allowable over the cited reference and solicits reconsideration and allowance.

Patentable Merit of Claim 3 Over The Reference

In the current invention, claim 3 now rewritten as new claim 15 and dependent claim 16 recite that the cellular bubble material is affixed to one or more of the interior surfaces of said folded substantially planar stock and that the planar stock incorporates two parallel

folds separated by a distance that is substantially one to two times the depth of the cellular bubble material.

Since claim 15 is dependent on claim 13 the applicant submits that claims 15 and 16 are allowable over the cited reference and solicits reconsideration and allowance on the same grounds as for claim 13. In addition, the text of new claims 15 and 16 is rewritten to clearly define patentability over the cited reference.

In particular, the arrangement of folds described in the applicant's invention differs from that shown by Dubbels. In the current invention the parallel folds in the planar stock of the greeting card are separated by one to two times the depth of the cellular bubble material. This achieves the result that when the greeting card is closed, the interior surfaces of the card are separated by a distance that accommodates the depth of the cellular bubble material that is affixed to the inside of the card and allows the card to close without interference of, or crushing of the bubbles.

The two folds described by Dubbels are located on opposite sides of the cellular bubble material. The separation of the folds in Dubbels is the entire width of the cellular bubble material. This is a significantly different structure from the current invention.

The current invention achieves a new result and substantial advantage over Dubbels. Whereas Dubbels describes a foldover flap, defined by one of the folds in the mounting card, folding the mounting card along this single fold provides no accommodation for the depth of the pill bubbles and will press the upper section of the card down on the pill bubbles that are closest to the fold, with the potential to crush them and damage the pills within or prematurely press the pills out of their compartments.

The language of claim 3 now rewritten as new claims 15 and 16 distinguishes over Dubbels under Section 102 because Dubbels does not show a means for folding the card that will separate the interior surfaces by the depth of the bubbles affixed thereon. This

distinction is submitted to be of patentable merit under Section 103 because it achieves a superior result that is unsuggested by Dubbels.

Therefore the applicant submits that claims 15 and 16 are allowable over the cited reference and solicits reconsideration and allowance.

Patentable Merit of Claim 4 Over The Reference

Claim 4 now rewritten as new claim 17 recites there being one or more openings in said substantially planar stock that are shaped and situated such that when the card is closed, said bubbles of gas in the cellular bubble material fit into said openings and protrude through the exterior surface of the card.

Since claim 17 is dependent on claim 15 and claim 13 the applicant submits that claim 17 is allowable over the cited reference and solicits reconsideration and allowance on the same grounds as for claim 15 and claim 13. In addition, the text of new claim 17 is rewritten to clearly define patentability over the cited reference.

Dubbels shows a portion of the mounting card, described as the calendar card that is folded over cellular bubble material and mounted on the support card such that the pill bubbles protrude through holes in the card. This arrangement permanently fixes that portion of the card in place. Further, the protruding portions of the pill bubbles are situated inside the foldover flap that incorporates no openings, thus when it is closed over the bubbles, the bubbles are not visible from the exterior.

In embodiment of the current invention described by claim 17, the portion of the planar stock in which the holes are located is not fixed in place over the bubbles but is free to move to open and close the card. When this portion of the planar stock is folded to close the card the bubbles protrude through the exterior surface of the greeting card and are thus visible externally.

This structural difference yields new results that are unanticipated by Dubbels. Bubbles on a greeting card with this structure can be integral elements of drawings, images and text on both the exterior and the interior surfaces of the greeting card. A greeting card with this structure and possessing a single fold can be closed completely because the bubbles will pass through the holes and will not obstruct the closure of the card. The structure described by Dubbels cannot achieve either of these results.

The language of claim 4 now rewritten as claim 17 distinguishes over Dubbels under Section 102 because Dubbels does not show openings in the card that will allow the bubbles to protrude through the exterior surface of the card when it is closed. These distinctions are submitted to be of patentable merit under Section 103 because they yield results that are not suggested by Dubbels.

Therefore the applicant submits that claim 17 is allowable over the cited reference and solicits reconsideration and allowance.

The Rejection of Claims 6, 7, 9, 10, and 12 On Arnold

The last O.A. rejected independent claim 6 and dependent claims 7, 9, 10, and 12 under Section 102 as being anticipated by Arnold, U. S. Patent 5,681,203. Claims 7, 9, 10, and 12 are cancelled. Claim 6 is rewritten as new independent claim 19 as described below.

The Rejection Of Claims 6, 8, and 11 On Crosby Is Overcome

The last O.A. rejected independent claim 6 and dependent claims 8 and 11 on Crosby. Claims 6, 8 and 11 have been rewritten as new claims 19, 20 and 21 to define patentability over this reference. The applicant requests reconsideration of this rejection as now applicable to claims 19, 20, and 21, for the following reasons:

- (3) The physical features of claims 19, 20 and 21 differ substantively from that described by Crosby.

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- (4) These novel physical features of claims 19, 20 and 21 produce new results and are hence unobvious and patentable over this reference.

Summary of the Reference

Crosby, U. S. Patent 4,168,002, shows a group of plastic bubbles containing seeds, sealed so as to form blister packages that are mounted on a carrier card. These bubbles are shaped so as to possess a triangular spout formation that when cut is used to dispense the seeds.

Patentable Merit of Claim 6 Over Crosby

Claim 6 now rewritten as claim 19 recites that the cellular bubble material contains burstable gas filled bubbles. In the embodiment of the current invention described by new claim 19 the substantially planar surface of the bubble material is stiff whereas the bubbled surface is formed of pliable thin gas impermeable material such as plastic sheeting. When bubbles possessing this structure are squeezed the gas within the bubble is compressed with the result that the thin gas impermeable material of the bubble will rupture abruptly with an audible pop.

In Crosby the plastic material of the bubbles, in particular the protruding front portion needs to be rigid in order for it to able to function as a spout. Indeed, the bubbles, described by Crosby, could not retain the shape illustrated in the figures of U. S. Patent 4,168,002 were the plastic forming the front of the bubble not rigid. Being formed of rigid material these bubbles will not easily allow compression of the gas within if squeezed, nor will a rigid material rupture in the same manner as a thin pliable one. The structure described by Crosby does not achieve the result of the current invention, nor does Crosby suggest this result.

The language of claim 4 now rewritten as claims 19, 20 and 21 distinguishes over Crosby under Section 102 because Crosby does not show burstable bubbles that incorporate a

stiff substantially planar layer. These distinctions are submitted to be of patentable merit under Section 103 because they yield results that are not suggested by Crosby.

Therefore the applicant submits that claims 19, 20 and 21 are allowable over the cited reference and solicits reconsideration and allowance.

Other Cited References

The applicant has reviewed the other cited references, Boone, U. S. Patent 4,870,764 and Rogers, U.S. Patent 4,911,671. Neither of these references shows the applicant's patent nor renders it obvious.

Conclusion

For all of the above reasons the applicant submits that the specification and claims are now in proper form, the claims comply with Section 112, the claims define over the prior art under Section 102, and the claimed distinctions are of patentable merit because of the new results. Therefore the applicant submits that this application is now in condition for allowance, which action the applicant respectfully solicits.

Very respectfully,

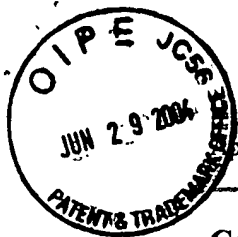


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2004, June 26

David G. Hunter, Applicant